REMARKS/ARGUMENTS

Claims 1-6, 9-27 and 30-42 are pending in the present application. Claims 1, 9, 17, 20-22, 30, 38, 41 and 42 have been amended, and Claims 8 and 29 have been cancelled, herewith. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 103, Obviousness

Claims 1-6, 8-27 and 29-42 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lowell (U.S. Patent No. 6,012,086), hereinafter "Lowell", Braun et al. (International Publication No. WO 01/502269 A2), hereinafter "Braun", and Sena et al. (U.S. Publication No. 2003/0033331 A1), hereinafter "Sena". This rejection is respectfully traversed.

With respect to Claim 1, Applicants have amended such claim to include the features previously recited in Claims 8 and 9 (which are thus being cancelled herewith), in order to further emphasize the highly automated approach to managing streaming media data that is advantageously provided by the features of amended Claim 1. Applicants urge that none of the cited references teach or suggest the claimed feature of "wherein a set of codecs are used to convert the media data stream from the initial format to the viewable format and to convert the media data stream from the viewable format to the desired format". In rejecting Claim 8 (whose features are now a part of amended Claim 1), the Examiner asserts that Sena teaches all elements of Claim 8. Applicants urge that such reference does not teach or suggest multiple codecs. As is commonly known in the art, a codec performs both coding <u>and</u> decoding (the 'co' portion of the term 'codec' stands for code or coding, and the 'dec' pportion of the term 'codec' stands for decode or decoding, as is commonly known to those of ordinary skill in the art). Sena does not teach or otherwise suggest any type of device or program that performs <u>both</u> encoding <u>and</u> decoding of a data stream – and thus does not teach a plurality of codecs. For example, as per Sena's block 420 of Figure 7, such block is described as being a single block that performs compression (Sena page 5, paragraph [0071]), where the compressed data is then passed along to the publishing manager module. *There is no additional decompression or decoding done by this block 420*, and therefore it is unreasonable to interpret block 420 as being a codec. In addition, and even assuming arguendo that Sena's block 420 were a codec (which Applicants deny), that would only establish an alleged existence of a single codec, whereas per the features of Claim 8 there are multiple codecs used in the two-staged conversion process. This distinction can also be seen by the fact that the alleged intermediate format conversion is performed by Sena's block 480 (Sena page 5, paragraph [0072]), which is a totally different block that provides totally different functionality from Sena's compression block 420. Therefore, Sena's block 480 is similarly not a codec, or a plurality of codecs, as that term is commonly known to mean to those of

ordinary skill in the art. Thus, it is shown that Claim 8 (whose features are now a part of amended Claim 1) was erroneously rejected, as a proper prima facie showing of obviousness has not been established by the Examiner (multiple *codecs* used by the two-staged conversion process).

Further with respect to Claim 1, such claim recites "converting the media data stream into the desired format to form a formatted media data stream, wherein the converting step comprises identifying an initial format of the media data stream, converting the media data stream to a viewable format, and converting the media data stream to the desired format from the viewable format" – the so-called two-step conversion process having an intermediate viewable format. In rejecting this aspect of Claim 1, the Examiner states that Sean teaches (1) the claimed 'intermediate format' by Sena's 'digital media output format', and (2) the claimed 'desired format' by Sena's 'to allow multiple users to access the same data' (which, Applicants note, is also described by Sena as being a 'presentation file' (Sena paragraph [0063] and [0072]). Applicants believe that the amendment made to Claim 1 to include the features of Claim 8 precludes such interpretation. Specifically, codecs are used for both the conversion to the claimed intermediate format (alleged to be equivalent to Sena's digital media output format) *as well as to the desired format* (alleged to be equivalent to Sena's presentation format). However, Sena does not describe any codec being used when the 'presentation format' is created from the 'digital media output format'. For example, as Sena describes at paragraph [0072]:

> [0072] The digital media transformation module 460, takes the two digital media files 410, 412, breaks them down into low level data components and then converts them to an intermediate format where two or more media files can now be integrated. The media files 410, 412 are integrated and converted again into the desired media output file 599. **The *media output file* is then passed back to the publishing manager module 450 and if the file 599 is ready for output, it is passed to the <u>device building module 480 where the file is made ready for the web, a PDA, etc., in a *presentation format* 598.</u>** The presentation 598 and the file 599 are then stored on a computer readable medium 492 and, at the client's direction downloaded onto a server 496 or placed in a location where the presentation can be viewed via the Internet or email 405. Each of the processes in modules 420, 450, 460, and 480 is detailed below.

This 'ready for output' to multiple users/devices operation is further described by Sena at paragraphs [0099] – [0100] where a device-building module 480 creates the presentation file from the output digital media file (and this output digital media file is alleged to be equivalent to the claimed 'intermediate file'). As can be seen, no codec device or codec-related operations are performed by such device-building module 480. Instead, this is 'web-clipping' technology that strips complicated graphics and text from the output digital media file so that it can be viewed on devices such as PDAs or cell phones that have limited memory capability (Sena paragraph 0100). Quite simply, Sena's "web-clipping" technology which is used in the generation of the presentation format is not a codec, as that term is commonly known to mean

to those of ordinary skill in the art. Thus, this conversion from a output digital media file to a form that allows multiple users to access the same data (Sena paragraph [0063]) is not equivalent to the claimed step of "converting the media data stream to the desired format from the viewable format ... wherein *a set of codecs are used to convert the media data stream from the initial format to the viewable format and to convert the media data stream from the viewable format to the desired format*", as no codec is used in such Sean output digital media file conversion (as is required by the features of Claim 1). Thus, it is urged that Claim 1 has been erroneously rejected due to this prima facie obviousness deficiency.

This Sean codec deficiency can also be seen by the fact that once Sena compresses the data it receives (by block 420 of Figure 7, as described by Sena at page 5, paragraph [0071]), such data is never decompressed by any of Sena's other blocks or methodology. This is likely because of Sena's desire to minimize the amount of data contained in the files it creates in order to mitigate transmission bandwidth issues. For example, as stated by Sena at page 8, paragraph [0097]:

> [0097] Additionally because the digital media files are stripped to their constituent components, the minimal amount of components can be combined to reconstruct an output presentation file. Thus, **the present invention will use much less bandwidth than prior art to get the same quality of output presentation**. For example if a frame only needs to have text "delivered" then the presentation will not send the entire graphic for a frame, whereas other prior art would deliver the entire frame using more bandwidth.

Due to this desire to mitigate the size of data files, there would have been no reason for Sena to decompress data that it compresses upon receipt of the data by Sena's digital media conversion and integration system (also see Sena paragraph [0018]).

In any event, Claim 1 has been amended in accordance with the Specification description at page 13, to further highlight the highly automated nature of the claimed system for managing streaming media data. The streaming media data is itself used in determining what codec to use for converting such media data from the initial format to the viewable format. In contrast, Sena's system uses manual user input to determine specific conversion modules to be used in data conversion (Sena page 9, paragraph [0099]). Thus, it is further urged that the present amendment to Claim 1 has overcome the rejection of such claim.

Applicants traverse the rejection of Claims 2-6 and 10-16 for reasons given above with respect to Claim 1 (of which Claims 2-6 and 10-16 depend upon).

Applicants traverse the rejection of Claims 17-27 and 29-42 for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1-6, 8-27 and 29-42 under 35 U.S.C. § 103 has been overcome.

II.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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